



## **King County**

**Department of Development  
and Environmental Services**  
900 Oakesdale Avenue SW  
Renton, WA 98055-1219

### **Conditions Document**

#### **Grading Permit Revision L04RE043**

#### **North Bend Gravel Operation Conveyor Belt and Mining Phases 5 -10**

### **Clearing and Grading Conditions**

**Permit Number: L98G0231 Revision Number: L04RE043**

This permit is to authorize site and operation plans of all remaining mining phases at the North Bend Gravel Operation and site development for conveyor belt to transport material from the upper site area to the lower site area. The following conditions apply to the permit L98G0231, L00RE060 and L04RE043 and SUPERSEDE ALL PREVIOUS CONDITIONS. Conditions are imposed to meet King County codes and administrative rules and mitigation requirements enumerated in the Final Environmental Impact statement published December 19, 2001, Noise Addendum published March 3, 2003 and Visual Addendum published August 12, 2005.

Cadman, Inc., applied for a grading permit L98G0231 on land owned or controlled by Weyerhaeuser Co. and leased to Cadman on October 23, 1998. The proposal was to mine gravel at a site located north of Interstate 90 and west of 468<sup>th</sup>. Processing facilities would be established after mining at the lower portion of the site. Raw materials from the upper portion of the site would be transported to the processing area via a conveyor. At the end of the project, the reclaimed mined areas would be donated to public ownership with the requirement that the reclaimed mining site remain as forest land in perpetuity.

An environmental review of the project proposal was conducted according to the Washington State Environmental Policy Act of 1971 (SEPA) and in compliance with Chapter 43.21C Revised Code of Washington, Chapter 197-11, Washington Administrative Code, Revised SEPA Guidelines, Effective April 4, 1984 and Chapter 20.44, King County Code. A Draft Environmental Impact Statement (DEIS) was issued June 15, 2000. A Final Environmental Impact Statement (FEIS) was issued December 19, 2001. An Addendum to the FEIS that clarified details in the Noise section of the FEIS document was adopted as part of the SEPA documentation on March 3, 2003.

The project was planned to occur in phases, beginning with pre-excavation work at the lower portion area of the site and ending with reclamation of both the lower and upper portions of the site. Grading permit review and approval was also assumed to follow a phased approach. Detailed plans and information was supplied for the initial mining and construction phases at the lower portion area of the project. The grading permit for the initial phases of the project was approved March 10, 2003 along with monitoring plans that are applicable to most phases and locations of the project. Mining of the first four phases began in 2003 under King County grading permit L98G0231 and L01RE060. Much of that work contemplated as part of the original grading permit approval has already been completed.

The permit holder applied for a revision L04RE043 to the current permit on December 20, 2004 to actualize the remaining portions of the project already reviewed in the FEIS, but not approved under the existing grading permit. Information submitted for review and approval of this revision include site and operational plans of all remaining mining phases (phases 5-10) of project L98G0231 as it is currently defined in the FEIS , construction of the conveyor belt to transport material from the upper mine area to the processing plant in the valley and modification of the forest access road to support installation and maintenance of this conveyor. All cleared areas will be reforested in accordance with state Surface Mining Reclamation prior to completion of the project. The site will be revegetated and replanted to appropriate tree species following mining, which is anticipated to occur in phases over many years.

An environmental checklist submitted as part of the revision detailed the consistency between revised plans and the impacts envisioned and reviewed in the FEIS. Construction and operations associated with the proposal L04RE043 are not likely to cause new or increased significant adverse environmental impacts beyond that already evaluated, anticipated and mitigated in the original FEIS, except as noted below.

The proposed final engineered location of the conveyor belt presented in the revised grading permit differed in length and location as compared to the conceptual plans in the FEIS. Additional information re-evaluating the visual impacts from the new location was submitted with the grading permit revision. King County prepared an addendum to the FEIS that analyzed the additional visual information. The responsible SEPA official concluded as a result to the analysis that the change in location of the conveyor did not substantially change the analysis of significant impacts and alternatives in the environmental documents adopted in the addendum.

Any future revisions to the grading permit will be required for mining or construction beyond that showed in the current detailed approved plans. Revisions will be necessary for construction of asphalt and concrete processing facilities. Each revision will be reviewed to the standards set in the FEIS. If the permittee changes the proposal and King County believes the changes are likely to cause new or increased significant adverse environmental impacts not evaluated in the FEIS, the County may require additional environmental analysis. Further review may result in an addendum to the FEIS or a Supplemental EIS.

The approved plans for the grading permit were reviewed to and are consistent with the following King County Codes and administrative rules: K. C. C. 9.04 – 9.12, Surface Water Management and Water Quality, the 1998 Surface Water Design Manual, K. C. C. 16.82, Grading, K. C. C. 21A.22, Mining section of the Zoning Code, K.C. C. 21A.08, Permitted Uses sections of the Zoning Code , K. C. C. 21A.16, Land Use Development Standards, K. C. C. 21A.24, Sensitive areas section of the Zoning Code, Title 12, specifically sections 12.86 through 12.100 that refers to noise control in the county, and Title 14 King County Road Standards. Additional conditions were derived from mitigation required from environmental review of the preferred alternative. Specific environmental elements analyzed for environmental impacts were: Soils and Geology, Air Quality, Noise, Water, Plants and Animals, Energy, Land Use, Historic, Cultural and Archaeological Resources, Recreation, Aesthetics, Light and Glare, Public Services and Utilities, Transportation, and Environmental Health. The proposed mine also is required to apply for and receive approval for an NPDES permit from State Department of Ecology, the Surface Mining Reclamation Permit from the State Department of Natural Resources and New Source Construction registration from Puget Sound Clean Air Authority prior to installation of regulated equipment.

The following conditions apply to the permit L98G0231, L00RE060 and L04RE043 and SUPERSEDE ALL PREVIOUS CONDITIONS. Conditions are imposed to meet King County codes and administrative rules and mitigation requirements enumerated in the Final Environmental Impact statement published December 19, 2001.

## **Dust**

1. Permittee shall comply with all conditions and requirements of the Puget Sound Clean Air Agency (PSCAA).

2. Dust, dirt, and fly ash or airborne solids from any source shall not be emitted from the site in quantities as to adversely affect adjacent property.
3. The following measures to minimize or avoid fugitive dust from escaping the site shall be implemented. Additional mitigation may be required to meet PSCAA standards.
  - 3a. Processing plants will use a high pressure/low volume spray bar or other approved dust suppression methods to control fugitive dust.
  - 3b. Haul trucks will be loaded in a manner compliant with RCW 46.61.655. Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping there from shall be covered so as to prevent spillage. Covering of such loads is not required if at least six (6) inches of freeboard is maintained within the bed. Trucks with uncovered loads shall be loaded as per recommendations of Washington State Patrol, Commercial Vehicle Enforcement Section, General Load Securement recommendations (attached to permit).
  - 3c. Operation will use conveyor systems to move materials from upper pit area to lower pit area.
  - 3d. A high moisture content will be maintained for stacked and/or stockpiled materials.
  - 3e. Drop heights from conveyors onto stockpiles shall be minimized to prevent fugitive dust.
  - 3f. During hauling operations, permittee shall provide effective dust control measures consisting of water, asphalt treated base, chemical dust palliatives, or equivalent measures to control dust from this operation (KCC 21A.22.070.C).
  - 3g. No clearing, grading, filling or excavation shall be allowed within a fifty (50) wide, naturally vegetated buffer around the perimeter of the lower portion and upper portion site project boundaries excluding that necessary for roadway access or storm drainage facilities. Location of the buffer may be moved relative to project impacts to make most effective buffer.
  - 3h. Access roads to lower processing area and asphalt and concrete batch plant yard areas will be paved prior to hauling or operation of processing facilities.
  - 3i. Land clearing debris from project construction and mining shall not be burned.
  - 3j. Aggregate piles will be stored in 3-sided bunkers where feasible.
4. Permittee shall be responsible for implementing all appropriate measures needed (i.e. paving, wet sweepers, and/or other techniques) to keep streets and roads used as haul routes between entrance of site and I-90 clean and free from debris, mud, etc.

### **Groundwater Protection –Water Resources and Water Quality**

5. Permittee shall comply with the Water Resources Monitoring Plan dated February 27, 2003 and approved by King County on March 7, 2003. A copy of this plan is attached to these conditions. Any modifications to this plan must be reviewed and approved by King County prior to implementation.
6. The Water Resources Monitoring Plan shall be reviewed every five (5) years as part of the mine operation periodic review to determine if plan is providing sufficient basis for assessment of impacts, monitoring water quality and water quantity, and capable of providing protection and mitigation required in the FEIS. Appropriate changes to the plan shall be made if necessary.
7. Water level data and water quality data will be collected as per parameters and schedule in Water Resources Monitoring Plan dated February 27, 2003 and approved by King County on March 7,

2003. Records of data and observations will be maintained at the site office and available to King County inspectors. A report summarizing the data and documenting any deviations from the plan will be prepared and sent to King County by February 15 of each year.

8. Excavation at the lower pit area shall be limited to a depth twenty (20) feet above the maximum seasonal ground water table except excavation over the eastern one third (1/3) of the proposed pit shall maintain a minimum depth of five (5) feet of undisturbed ground above the maximum seasonal ground water table. Excavation in the upper pit area shall be limited to a depth five (5) feet above maximum seasonal ground water table.
9. A shallow piezometer shall be installed adjacent to the groundwater interception trench at the lower pit at a location approved by DDES when pit reaches an elevation within 20 feet of maximum seasonal ground water table. The water level shall be monitored once a week to confirm that the pit floor is maintaining a minimum 5 foot buffer zone above the water level.
10. In the event that an adequate buffer zone is not maintained, groundwater may be removed by pumping to the infiltration pond, where it will be returned to groundwater. If pumping is required, King County may require calculations to determine that the infiltration pond area is sufficiently sized for the pumped groundwater plus surface water.
11. If a five foot buffer zone cannot be maintained, operations should cease and equipment should be removed from any portion of the mine without a sufficient buffer zone.
12. The Water Resources Monitoring plan shall be modified as necessary to reflect additional mitigation requirements for construction of conveyor and upper pit area mining. Plans shall be reviewed and approved prior to start of Phase 5 clearing. Springs along the slope below the north margins of the upper pit (phases 5 and on) should be expanded to include assessment observation by personnel qualified to determine if continued mine operation has adversely affected the springs or the stability of the slope.
13. Stormwater runoff from the entire pit operation area will be routed to an infiltration pond or ponds for treatment and discharge designed in accordance with King County Surface Water Design Manual.
14. A National Pollutant Discharge Elimination System (NPDES) permit for surface water discharge is required for this project. The entire site has been granted coverage under the Sand and Gravel General permit No. WAG-50-3344 and associated order No. DE 01WANR-3417. King County will be notified of any modification or changes to the NPDES permit and provided copies of the new coverage.
15. DDES will be notified immediately of any significant discharge of water from the mining face.
16. Infiltration testing for the infiltration ponds per KCSWDM 5.4.1. cannot be performed until excavation has proceeded near final grade. The required infiltration tests shall be performed within a year after the mining in a given phase is nearing completion or when mining has approximately reached the final grade. Plans may need modification pending results of testing.
17. Infiltration facilities and initial functional conveyance systems to such infiltration facilities shall be completed and capable of operating without undue erosion and without mass wasting or sediment transport to these infiltration facilities before placing them in operation for each phase and prior to beginning significant mineral extraction in subsequent phases
18. Operational and best management practices contained in the stormwater pollution prevention plan and spill prevention plan contained in the Technical Information Report approved August 12, 2005

as part of grading permit operational conditions are adopted as part of grading permit operation conditions.

## **Reclamation**

19. Permittee shall comply with all conditions and requirements of the Washington State Department of Natural Resources Surface Mine reclamation permit No. 70-013001. Any changes or modifications of the reclamation plan will be provided to King County upon approval.
20. Permit areas shall be divided in segments for mining and reclamation. Segmental reclamation shall proceed according to timelines approved by Washington State Department of Natural Resources. Calculations and plans for stormwater management shall be required for each segment consistent with current stormwater drainage requirements.
21. A portion of the upper side slopes of the lower portion of the site shall be final graded, fertilized, seeded and planted with Doug Fir seedlings ~~prior to commencing mining on the upper site~~ consistent with the goals in the Memorandum of Understanding.
22. Biosolids shall not be used to enhance soil characteristics on the lower pit area.
23. Where filling is necessary as part of approved plans, only clean fill materials shall be used as fill. Fill material shall consist of earthen material, organic material or recycled or reprocessed materials that are not categorized as dangerous waste under Title 173 WAC and that were produced originally from an earthen or organic material. Irreducible fill material shall have maximum dimension of less than 18 inches. Recycled concrete shall be free of rebar and other material that may pose a safety or health hazard. Recycled or broken asphalt or concrete shall not be used in areas subject to exposure to seasonal or continual perched ground water, in a critical aquifer recharge area or over a sole-source aquifer. Irreducible fill material shall be intermixed with well-graded, natural earthen materials in sufficient quantities and of a suitable size to assure filling of all voids and to assure the fill can be compacted to sufficient density to comply with geotechnical specifications approved for project to assure stability of fill.
24. The operator shall comply with the North Bend Backfill Quality Control plan dated February 12, 2004. The plan complies with requirements of original Grading Permit Condition #24.
25. Concrete waste and asphalt waste can be temporarily stockpiled for the purposes of recycling and use in the manufacture of asphalt or concrete at the lower portion area of the site only. The permittee shall provide plans showing provisions for the collection, treatment and disposal of surface water that it is in contact with stockpiles of concrete waste and asphaltic concrete prior to importation of asphalt and concrete. Review and approval for these provisions is under the conditions of the 1998 Surface Water Manual. Asphalt and concrete shall not be accepted as fill for construction of berms.
26. If work is to be suspended for 30 or more consecutive calendar days, permittee shall notify the Grading Section prior to the cessation of work indicating their intention to do so and also prior to restarting operations.
27. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or slope erosion.
28. Upon the exhaustion of mineral or materials or the permanent abandonment of the quarrying or mining operation and/or processing, all buildings, structures, apparatus, or appurtenances accessory to the operation will be removed or otherwise dismantled to the satisfaction of the director.

29. All graded or backfilled areas shall be topsoiled and seeded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding and to a depth of at least 4 inches or a depth equivalent to that of surrounding areas, which is lesser.
30. All disturbed areas shall be planted with trees, shrubs, legumes, or grasses, and said flora shall be so selected to be indigenous to the surrounding area.
31. Excavations shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the director shall be constructed or installed if natural drainage is not possible.
32. Waste or spoil piles shall be leveled.

### **Traffic**

33. Trucks shall enter and exit the lower pit area solely via SE 146<sup>th</sup> St. and 468<sup>th</sup> Ave. SE between SE 146<sup>th</sup> and the I-90 Exit 34 ramps. Except for local deliveries, truck shall not use North Bend Way or proceed north on 468<sup>th</sup> Ave. SE. Direct access using any other entrances to the lower pit area will be limited to access for emergency use, passenger vehicles and light trucks.
34. Any damage to pavement edges, sidewalk, curb and gutter, etc., resulting from operations authorized by this permit shall be repaired immediately.
35. To prevent tracking of mud and rocks onto King County roads and to comply with RCW 46.61.665(4), permittee shall operate and maintain a high pressure truck wash facility which is capable of cleaning wheels and tires, prior to hauling material from the lower pit area. All truck traffic leaving site shall exit through the truck cleaning system.
36. Permittee shall be responsible for implementing all appropriate measures need to keep streets and roads swept and clean during construction and operations. Particularly on SE 146<sup>th</sup> St. and 468<sup>th</sup> Ave. SE between SE 146<sup>th</sup> St. and the I-90 ramps (eastbound and westbound). Road washing is not allowed.
37. The permittee will provide DDES an updated operational analysis and traffic impact analysis every five years from the issuance of the permit as part of the periodic review required by mine sites in King County. The analysis will be reviewed by the King County Department of Transportation, Traffic Engineering Section as well as the Washington State Department of Transportation. Alternative mitigation measures may be required subsequent to the review.
38. A traffic engineering study shall be submitted annually by the applicant to the King County Department of Transportation, Traffic Engineering Section for a maximum of five years. The study shall include a warrant analysis considering the eight (8) warrants defined in the Manual of Uniform Traffic Control Devices (MUTCD) 2000 Millennium Edition. The study shall also include a gap study, safety study and conflict study. In addition to the data necessary to determine if any of the eight (8) warrants are met, the following data shall be provided as part of the engineering study:
  - 38a. Vehicle-hours of stopped time delay determined separately for each approach to be consistent with the Peak Hour Warrant.
  - 38b The number and distribution of acceptable gaps in vehicle traffic on the major street for entrance from the minor street.
  - 38c The 85<sup>th</sup> – percentile speed on controlled approaches at a point near to the intersection but unaffected by the control.

- 38d Queue length on stop controlled approaches.
- 38e Average delay to vehicles on the minor street during the one hour AM and PM peak period.
- 38f Trip reduction during the AM or PM peak period.
- 38g The permit holder shall measure vehicle trips associated with the site including daily totals of inbound and outbound trucks trips and breakdown of 'empty' vs. 'loaded' inbound and outbound truck trip-ends. Trip statistics will be compared to traffic trip estimates presented in the FEIS.
39. The permit holder shall install a traffic signal at SE 146<sup>th</sup> St. and 468<sup>th</sup> Ave. SE. when either any of the eight (8 ) warrants are met or the average delay to vehicle on the minor street during the AM or PM peak hours meets or exceeds 90 seconds analyzed as a signalized intersection or the County Traffic Engineer determines it to be to the benefit of the general public to do so. The applicant has provided all necessary funding for the purchase of equipment necessary for the approved design to King County's Traffic engineering Section. King County Road Services Division will assume responsibility for installation of the signal at a time that will be established pursuant the results of the yearly engineering study required in condition 45.
40. Outbound filled trucks shall be weighed at the site to ensure that loads are legal according to Washington State highway weight standards. The operator shall keep a record of weights and make them available for inspection. Failure to comply with State Highway weight standards shall require reevaluation of impacts associated with road maintenance and road structure and may require additional mitigation for impacts to road structure.

### **Aesthetics, Light and Glare**

41. All outdoor and security lights will be shielded with top clad plates and focused downward to avoid glare onto surrounding areas. Lighting and lighting fixtures will meet the specification of the U.S. National Park Service Interim Design Guidelines for Outdoor Lighting.
42. Lighting shall be limited to that required for security, lighting of structures and equipment, employee safety, lighting of processing areas and vehicle operations and not direct glare onto surrounding properties.
43. The maximum height of any lighting fixture or pole will be 50 feet except that no lights on mining or processing equipment may be allowed above the elevation of the pit wall plus the height of the berms surrounding the wall.
44. The proposed conveyor will be enclosed in a low-reflective, natural-colored material to minimize visual and glare impacts.
45. An easement or covenant or other operation restriction as approved by the parties shall be placed on the portion of property near the conveyor by August 31, 2005 or before any land disturbance takes place. The restriction shall require the property owner to maintain for 250' on each side of the as-built gravel conveyance system LESS AND EXCEPT the first 50' on each side of the as-built conveyor constructed in a forested condition for the purpose of visual buffering and establish of a native growth retention area for the purpose of dispersing and treating stormwater flows from the conveyor and related access roads. The vegetation within the protection area shall not be cut, pruned, covered by fill, removed or damaged with the exception of pre-commercial thinning activities where a minimum of 258 trees per acre remain or commercial thinning conducted with an

approved Forest Practices Permit that retains no less 150 trees per acre and a minimum basal area per acre of 175 ft<sup>2</sup>. In addition, the following activities are allowed in consultation with King County Department of Development and Environmental Services (DDES) or its successor agency:

- 45a On slopes which have been disturbed by human activity or infested by noxious weeds, replacement with appropriate native species or other appropriate vegetation.
- 45b Limited trimming and pruning of vegetation for access to the gravel conveyance system.
- 45c Replacement of individual trees with native trees on a limited basis. Forested hydrologic conditions and soil stability shall be maintained.
- 45d Removal of individual trees or limbs that pose a safety hazard to the conveyance system or access route.

Failure to record the encumbrance by the specified time shall result in suspension of permit until agreement can be recorded unless an alternative agreement has been reached by the parties.

## **Noise**

- 46. All work shall comply with the provisions of King County Ordinance 3139, relating to noise control and the associated Code sections 12.86-12.100. The following mitigation measures were identified during environmental review and shall be implemented to ensure compliance with the noise ordinance.
  - 46a. Maintain a low speed limit below 25 mph within the lower pit area and out to 468<sup>th</sup> Ave. along the King County Right of Way .
  - 46b. Prior to reaching final depth at the lower pit area, processing equipment will follow Best Management Practices to comply with K. C. C. 12.86-100. Examples of BMP's include 1.) enclosing grizzly screen(s) within an enclosure; 2.) Install barriers around the jaw crusher(s) or enclose crusher(s).
  - 46c. Conveyors will be used where possible to transfer material from mining face to reduce truck and equipment noise.
  - 46d. Use rubber screens where possible on the scalping screen and processing plant.
  - 46e. Install noise barrier around the noisiest elements of the primary jaw crusher and grizzly screens and other noisy parts of processing plant as needed to comply with King County noise regulations.
  - 46f. During hours of darkness strobe lights shall be used rather than back up beepers.
  - 46g. Standard acoustic back up alarms should be replaced with background noise-sensitive alarms.
  - 46h. Equipment shall be regularly maintained to ensure minimize squeaks and squeals of machinery and vehicles.
- 47. Hours of operation for initial construction and operation are limited to 7:00 AM to 10:00 PM. Monday through Friday and 9:00AM to 10:00PM Saturday and Sunday. No pre-positioning of equipment or queuing on King County Right of Way (ROW) prior to start time is permitted. Maintenance of equipment is permitted from 6:00AM through 10:00PM, Monday through Saturday, provided that the night time maximum permissible sound levels of KCC 12.88.030 are not exceeded prior to 7:00AM Monday through Friday, and prior to 9:00AM on Saturday. The short-term exceedences permitted by KCC 12.88.030C shall not be permitted for maintenance activities prior to 7:00AM and 9:00 AM respectively, and all maintenance activities prior to 7:00AM and later than 7:00PM shall be conducted inside of fully enclosed structures.
- 48. Any changes to hours of operation will require environmental review.
- 49. Additional noise mitigation measures may be required to avoid significant adverse environmental impacts and comply with King County Noise regulations. An independent noise-monitoring plan



will be developed and implemented prior to the issuance of permit. The Environmental Noise Monitoring plan dated February 27, 2003 and approved by King County is adopted for compliance with this condition. A copy of this plan is attached to these conditions. Any modifications to this plan must be approved by King County prior to implementation.

50. Sound level measurements as per the approved monitoring plan will be taken 6 times the first year of operation and may be reduced to 4 per year after the initial year.
51. The north berm shall be constructed prior to export of sand and gravel from site. The initial berm dimensions for stage 1 and stage 2 of initial pit development are approved as per plans submitted 8/30/02 and attached to grading plan Sheet C-4. Plan and schedule for expansion and final design of the berms are shown on Sheet C-4 of approved grading plans dated 2/19/03 and approved 3/3/03.
52. The primary crusher shall be restricted from use at the Lower portion of the site until the final grade depth is reached or a minimum depth of 20 feet is reached.
53. Noise from traffic on public roads is exempt from the noise limits of King County Code Chapter 12.88 and generally from regulation by local government. If nighttime trucking operations occur, an hourly Leq interior noise level of 45 dBA or lower shall be maintained during nighttime hours (10- p.m. to 7 a. m.) in the sleeping quarters of the four northern rooms of the Edgewick Inn. If long term permanent noise reduction or noise control measures can be implemented with mutual agreement between operator and Edgewick Inn and approval of measures by King County, this standard may be waived. If the noise measurements indicate that levels due to Cadman off-site trucking operations exceed the criteria specified in Section d, off-site trucking during nighttime hours (10 p.m. to 7 a.m.) will cease until effective noise control measures have been implemented. Cadman and King County will discuss appropriate noise control measures at the Edgewick Inn site or within abutting right-of-way which could include constructing a noise barrier along the north side of the Edgewick Inn parking lot. In order to implement this monitoring program, , Cadman will require cooperation from the owners of the Edgewick Inn to perform some aspects of the noise monitoring and reduction activities. If the owners of the Edgewick Inn choose not to cooperate in these efforts, Cadman will use its best efforts to accomplish the goals set forth in this section by measures that can be taken completely on public property and such measures will be deemed to satisfy the goals of this section.

### **Slope stability/Geotechnical**

54. Slopes within the lower portion of the site will not be cut steeper than an angle of 2 horizontal to 1 vertical (2H:1V) unless approved by King County.
55. No surface water drainage features will be constructed within 200 feet of naturally occurring steep slopes outside of the slopes within the pit walls.
56. Subsurface conditions in and near the silty layer found approximately at and below the 650 foot elevation shall be evaluated by a licensed engineer when the layer becomes exposed by excavation. The measures are to reduce risk both of off-site impacts and in-pit impacts from potential slope failures. Copies of the inspection reports will be provided to DDES, along with any proposed mitigation measures, within 2 weeks of inspections.
57. Noise screening berms shall be constructed as per supplemental geotechnical analysis report, dated October 16, 2002 and approved by King County 3/3/03.
58. Slope stability near Bonneville Power Administration (BPA) towers will be evaluated and approved according to BPA requirements six months prior to excavating within 100 feet of the base of the towers. If unfavorable slope conditions are identified during mining or by inspections by

professional engineering geologist or geotechnical engineer, appropriate mitigation measures will be implemented.

59. The lower portions of the site is located in an area identified as a seismic hazard area. All structures and slopes will be evaluated in accordance to Uniform Building Code and current engineering standards of King County.
60. The stormwater and groundwater infiltration system for the upper portion of the site shall be designed to reduce groundwater flows toward the steep slopes above the Homestead Mine and to steep slopes along the Snoqualmie River.

## **Erosion Control**

61. The erosion and sediment control (ESC) plan dated July 3, 2002 and approved by King County on March 3, 2003 is adopted for compliance with The KC SWDM Core Requirement #5 which requires that the permittee will prevent to the maximum extent possible, the transport of sediment from the project to water resources. A copy of this plan is attached to these conditions and permittee shall comply with plan. Any modifications to this plan must be reviewed and approved by King County prior to implementation. Grading permit conditions may supersede or modify portions of the plan.
62. The applicant shall apply sufficient high organic soil amendment to cut and fill slopes created during installation of the conveyor belt to ensure that resulting soil has sufficient moisture retention capacity to establish suitable vegetation. Application shall coincide with first optimum period for establishing hydroseeding after grading is finished.
63. Temporary erosion and sediment controls shall be inspected on a daily basis and continually adjusted to mitigate for changing conditions.
64. Permanent erosion and sediment controls shall be inspected and maintained on routine, scheduled basis as outlined in the ESC plan. Written maintenance reports will be kept and be available on site for review throughout the duration of the project.
65. Turbidity caused by construction activities from this project and discharged to surface waters of the U.S. shall not exceed Washington State water quality standards.
66. In the event that the permittee encounters areas needing de-watering that have not been indicated on the approved plans, work, except for erosion control as needed to remedy unforeseen water quality problems, shall not commence nor continue until a de-watering plan has been approved by King County DDES.
67. Approval of this erosion/sedimentation control (ESC) plan does not constitute an approval of permanent road or drainage design (e.g. size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).
68. The implementation of these ESC plans and the construction, maintenance, replacement, and upgrading of these ESC facilities is the responsibility of the permittee until project is complete.
69. The ESC facilities shown on this plan must be constructed in conjunction with all clearing and grading activities, and in such a manner as to ensure that sediment-laden water does not enter the drainage system or violate applicable water standards. (KCC 9.04.090, KCC 9.12.025.)
70. The ESC facilities shown on this plan are the minimum requirements for anticipated site conditions. During the construction period, these ESC facilities shall be upgraded (e.g. additional sumps, relocation of ditches and silt fences, etc.) as needed for unexpected storm events.

71. The ESC facilities shall be inspected by the permittee and maintained as necessary to ensure their continued functioning.
72. The ESC facilities on inactive sites shall be inspected and maintained a minimum of once a month or within the 48 hours following a storm event.(
73. Any permanent retention/detention facility used as a temporary settling basin shall be modified with the necessary erosion control measures and shall provide adequate storage capacity. No underground detention tanks or vaults shall be used as a temporary settling basin.
74. Where seeding for temporary erosion control is required, use the standard set forth in the current King County Surface Water Design Manual.
75. Where straw mulch for temporary erosion control is required, it shall be applied at a minimum thickness of 2 inches.
76. Temporary sediment control facilities shall be constructed in accordance with the details shown. Temporary sediment control facility locations may be moved to suit field conditions subject to approval of the engineer and applicable governmental agencies.
77. All ponds and ditches and other erosion-sedimentation facilities shall be maintained in good working condition throughout construction.
78. All surface water from disturbed areas shall be intercepted, conveyed to a sediment pond or trap, and discharged down slope of disturbed areas. An exception is for areas at the perimeter of the site with drainage areas small enough to be treated solely with perimeter protection. Surface water flows shall be intercepted concurrently with or immediately following rough grading.
79. The erosion and sedimentation control systems depicted on this drawing are intended to be minimum requirements to meet anticipated site conditions. As construction progresses and unexpected or seasonal conditions dictate, the permittee should anticipate that more siltation and sedimentation control facilities will be necessary to ensure complete siltation control on the proposed site. During the course of construction, it shall be the obligation and responsibility of the permittee to address any new conditions that may be created by his activities and to provide additional facilities over and above minimum requirements as may be needed to protect adjacent properties and water quality of the receiving drainage system.
80. Permittee shall inspect the TE/SCP facilities to assure that they are in good condition. If TE/SCP facilities require repair or maintenance, it shall be performed prior to the end of the working day. All disturbed areas shall be promptly and thoroughly stabilized against erosion during periods of wet weather when work is not being performed at the site.
81. Permittee is totally responsible for the installation and maintenance of the TE/SCP facilities noted on the plan and for bringing to the attention of the Owner/Engineer new conditions which may be addressed by these plans. The Contractor shall be held liable for all damages which may result from misimplementation of this plan or neglect of changing conditions.

### **Historic, Cultural and Archaeological**

82. All operations shall comply with the "Cultural Resource Plan for Operation Of the Cadman, Inc. North Bend Gravel Operation Near North Bend" dated **July 2002** and approved by King County on **October 7, 2002**. A copy of this plan is attached to these conditions. Any modifications to this plan must be reviewed and approved by King County prior to implementation. Plan was modified

by conditions contained in Letter dated July 1, 2005 from King County Historic Preservation Officer.

83. The portion of the NBGO access road that follows the historic route of the Wagon Road, as documented in the HRA, Inc report "Cultural Resources Inventory and Evaluation for the Cadman, Inc. North end Gravel operation Upper Area and Conveyor Belt Project in King County, Washington," dated August 2005, shall be maintained in its current alignment.
84. A restoration and mitigation plan shall be filed should any intact portion of the Wagon Road be damaged during construction of the mine with King County Department of Development and Environmental Service and the King County Historic Preservation Program. Mitigation in such event shall also include partial funding as detailed in letter from King County Historic Preservation Officer, dated July 1, 2005 for a comprehensive survey and inventory of the wagon route near the project.

### **Plants and Animals**

85. Land within the project boundaries not disturbed by mining or approved mining-related activities shall be actively managed to protect impacts to plants and animals. The following best management practices shall be followed to improve habitat and prevent unnecessary impacts during mine operation:

85a. Clearing of pole forest and early mature forest should not occur during the nesting season from April 1 to June 30 of each year.

85b. Land not in use for the mining phase shall be protected from casual use by the mining operation or the public through the use of fencing, road configuration, signage, and other measures. The operator shall restrict use of non-mining portions of the project for stockpiling or as casual haul routes or equipment yards as much as feasible.

85c. The operator shall mine the upper portion of the site in 50 acre segments, continuously reclaiming mined segments in accordance with standards of the Washington State Surface Mining permit.

### **Land Use**

86. The area within the project boundaries and the land immediately surrounding the majority of the project boundaries is within Forest Production District. Mining is permitted with the Forest Production District when managed to be compatible with forest management. The mining plan will temporarily convert forest land to mining. As mining is performed each completed segments shall be reclaimed, replanted with Douglas fir trees for future forestry use. No permitted uses on the site will be permanently foreclosed.
87. Consistent with the Memorandum of Understanding (MOU), future uses of the site will be limited to forestry or open space. The MOU is attached to this permit.
88. The current (March 2000) King County Zoning Code designation for the site is zone (Forest). Mining activities are permitted outright on Forest lands if mining is are more than ¼ mile from an established residence and do not use local access streets that abut lots developed for residential use (K.C. C. 21A.08.090 (B)(9)). Any mining activity within the ¼ setback shall require a Conditional Use Permit (CUP). For the purposes of the K.C. C. 21A.08.090 (B)(9), King County has determined that the residential accessory structure on the Lu property is an established residence

and any mining activity within ¼ mile of the residence would require a Conditional Use Permit. For the purpose of K.C. C. 21A.08.090 (B)(9), CUP approval is not required for the placement of those structures that do not play an active role in the mineral excavation or processing operation or generate mining activity which the CUP is intended to address. The approved plans dated 2/19/03 and 8/12/05 and approved by King County 3/05/03 and 8/12/05 do not show any mining activity with the ¼ mile setback.

## **General Requirements**

89. Warning and trespass signs advising of the mineral extraction or materials processing operation shall be placed on the perimeter of the site adjacent to RA, UR or R zones at intervals no greater than two hundred feet along any unfenced portion of the site consistent with KCC 21A.22.060.D.
90. A copy of the approved plans, conditions, and permit must be on the job site whenever construction is in progress.
91. The boundaries of the clearing limits shown on this plan shall be clearly flagged in the field prior to construction. No clearing or grading shall take place until these limits are approved in the field by DDES staff. During the construction period, no disturbance beyond the flagged clearing limits shall be permitted. The flagging shall be maintained by the permittee for the duration of construction.
92. Permittee shall provide the name of a responsible person or agent who can be contacted 24 hours a day.
93. Blasting is not allowed. Blasting can be allowed following environmental study and review.
94. This grading permit approval does not include review and approval of certain elements of future project expansion whose environmental impact was analyzed in the FEIS. These elements include asphalt and concrete batch plants, and other elements not contained in plans approved by King County 3/5/03. Revisions to the grading permit will be required for mining or construction beyond that showed in the current detailed approved plans. Each revision will be reviewed to the standards set in the FEIS. If the permittee changes the proposal and King County believes the changes are likely to cause new or increased significant adverse environmental impacts not evaluated in the FEIS, the County may require additional environmental analysis.
95. The area of disturbance shall be limited to that shown on the approved plans dated 02/19/2003 and approved by King County 03/03/2003 and 08/12/05 approved by King County 08/12/05. The plans will be used to determine that the site is operating consistent with the most current standards. A copy of the approved plans, conditions and permit must be on the job site whenever work is in progress. King County may require additional plans or surveying to determine that a site is operating consistently within approved limits.
96. You must call 1-800-424-5555 not less than 48 hours before beginning excavation where any underground utilities may be located. Failure to do so could mean bearing substantial repair costs (up to three times the cost of repairs to the service).
97. No additional filling and/or excavation beyond that showed on approved plans is authorized under this approval.
98. An active grading permit shall be required to remain in force until the site is reclaimed as per Washington State Department of Natural Resources Mining Permit and approved reclamation plan.

99. Failure to comply with any of the conditions contained within this permit shall be immediate cause for suspension of the permit and fines and penalties pursuant to King County Code Title 21A, and 23 and Chapters 9.04, 9.12, and 16.82.
100. This property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. This notice is required by K.C.C. 20.20 (Ordinance 12273) and RCW 36.70A.060.
101. Periodic review of the mining and processing operation shall be conducted at least every 5 year (K.C.C. 21A.22.050). The periodic review shall be used to determine if the site is continuing to operate consistent with the most current standards and to establish other conditions as necessary to mitigate identifiable environmental impacts.
102. The permittee shall be responsible for all costs associated with the review and/or inspection of this permit by responsible department staff. These costs shall be in accordance with the fees set forth in King County Title 27. Failure to remain current with fee balances may be cause for suspension or revocation of the permit.

### **Other Requirements**

I have read the attached conditions of approval and understand that failure to comply with all conditions set forth herein may necessitate an immediate work stoppage until such time as compliance with the stipulated conditions is attained. I certify that I have made a diligent inquiry regarding the need for concurrent state or federal permits to engage in the work authorized by this permit and no such permits are required or I have obtained the required permits. I understand that the granting of this permit shall not be construed as satisfying the requirements of other applicable Federal, State, or local laws or regulations. In addition, I understand and agree that this permit does not authorize the violation of the Endangered Species Act as set forth at 16 U.S.C. §§ 1531-1543, including the prohibition on the “take” of threatened or endangered species. “Take” is defined at 16 U.S.C. §§ 1532(19). I fully understand that it is my sole responsibility to determine whether such “take” restrictions would be violated by work done pursuant to this permit, and I understand that I am precluded by Federal Law from undertaking work authorized by this permit if that work would violate the “take” restrictions set forth at 16 U.S.C. §§ 1538, 50 C.F.R. §§ 17.31, 50 C.F.R. §§ 223 and 50 C.F.R. §§ 224.

<b>Signed:</b>	<b>Date:</b>
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